

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

CAITLYN ROSE EICHMANN	§	
	§	
VS.	§	CASE NO. 3:24-CV-106
	§	
THE UNIVERSITY OF HOUSTON	§	
SYSTEM and	§	
FELIPE EDUARDO HARKER	§	

**FELIPE EDUARDO HARKER’S COUNTERCLAIMS**  
**AGAINST CAITLYN ROSE EICHMAN**

Defendant/Counter-Claimant Felipe Eduardo Harker (“Harker”) files his Counterclaims against Plaintiff/Counter-Defendant Caitlyn Rose Eichmann (“Eichmann”) and shows as follows:

**PARTIES**

1. Defendant/Counter-Claimant Felipe Eduardo Harker is an individual and citizen of the State of Texas.
2. Plaintiff/Counter-Defendant Caitlyn Rose Eichmann is an individual and citizen of the State of Texas.

**JURISDICTION AND VENUE**

3. This Court has jurisdiction and venue over these counterclaims pursuant to Rule 13(a)(1)(A) & (B) of the Federal Rules of Civil Procedure as the claims arise out of the transaction or occurrence that is the subject matter of Eichmann’s claims and does not require adding another party over whom the court cannot acquire jurisdiction.

## FACTS

4. On March 2, 2022, Harker and Eichmann were at a coffee shop called the Nook in Houston, Texas with another student, Sobouh Rahimi (“Rahimi”). Contrary to Eichmann’s allegations, Harker and Eichmann had known each other since the Fall Semester when they met in 2021.
5. The coffee shop is directly across from the University Lofts where Harker, Eichmann, and Rahimi all resided.
6. At around 7:45pm on March 2<sup>nd</sup>, the three of them left the Nook and went back to Rahimi’s apartment on the 5<sup>th</sup> floor where they had dinner around 9:15pm. They had wine with dinner and after they were finished eating, they watched television.
7. Eichmann and Harker then left Rahimi’s apartment together around 11:47pm on March 2<sup>nd</sup>.
8. A few minutes later, both Harker and Eichmann returned to Rahimi’s apartment to retrieve Harker’s camera that he brought to show Rahimi as they both shared a mutual interest in photography. Harker and Eichmann then left Rahimi’s apartment again and headed to Harker’s apartment.
9. Harker and Eichmann continued to drink and talk until around 4:00am, when they decided to leave Harker’s apartment and walk across campus to the architecture building. Eichmann did not consume any more alcohol after they left to walk across campus.
10. Harker and Eichmann arrived back at the University Lofts at approximately 5:18am.

11. Eichmann and her boyfriend, Kenneth J. Morrow (“Morrow”) had gotten in a fight on March 2<sup>nd</sup> and had been texting back and forth with each other until 4:00am on March 3<sup>rd</sup> at which point according to Morrow, Eichmann “ghosted” him
12. Harker and Eichmann engaged in consensual sex in the early morning hours of March 3<sup>rd</sup>, sometime between 5:18am and 7:00am.
13. Upon waking up and realizing what she had done, Eichmann then embarked on a mission to falsely accuse Harker of rape so that her boyfriend, who she was just in a fight with hours earlier, would not find out that she voluntarily cheated on him out of spite.
14. Upon waking up around 7:00am, Eichmann’s first call was to her boyfriend Morrow. According to Morrow, on that call Eichmann claimed to have woken up “half-naked” in a “stranger’s bed,” no mention that she had been sexually assaulted as she would later begin claiming. Morrow, by his own admission says he was angry with Eichmann.
15. Realizing her relationship with Morrow is now in jeopardy over her actions, Eichmann then goes back down her apartment, calls Rahimi to come to her apartment and proceeds to tell him that Harker sexually assaulted her. Eichmann then calls her soon to be sister-in-law and tells her she has been sexually assaulted as well.
16. Eichmann then proceeds to take her lies to the next level by making a criminal report to the University of Houston Police, getting a SANE exam, and eventually

filing a Title IX complaint with the University falsely claiming that she was sexually assaulted by Harker.

17. Eichmann's actions caused search warrants to be issued and executed on Harker's apartment and for Harker to provide DNA evidence in the form of buccal swabs from his mouth in March of 2022 and November of 2022.

18. Eichmann's actions then caused the Harris County District Attorney's Office to file a felony criminal complaint for sexual assault against Harker on June 6, 2023.

19. Harker was arrested and spent 24 hours in the Harris County Jail until a \$15,000 bond could be posted for his release.

20. Harker was subjected to a protective order, and pre-trial supervision conditions which subjected him to mandatory drug and alcohol testing which he had to pay for; precluded Harker from possessing a firearm during the pendency of the case; and precluded him from consuming alcohol, including food, mouthwash, and any over-the-counter medication that could contain alcohol.

21. Harker also had to hire the services of a criminal defense lawyer to defend himself from Eichmann's false allegations.

22. On October 23, 2023, Harker's case was presented to a Grand Jury in Harris County, Texas who found that no probable cause existed and no billed the felony charge.

23. Harker's arrest and charge are still a matter of public record as he has not had the matter expunged from his record. Upon eligibility to file for an expunction,

Harker will have to employ the services of a lawyer once again to file the petition for expunction as well as pay any court costs and fees associated with the filing.

24. The University of Houston also found no merit to Eichmann's claims and dismissed her Title IX action. Tellingly, Eichmann refused to cooperate and participate in the Title IX investigation.

25. Almost assuredly, Eichmann's reason for not cooperating with the Title IX investigation was because her story in no way aligns with the actual evidence in the case.

26. First, Eichmann has alleged that she was so intoxicated that she blacked out at around 3:00am. However, the video evidence will show to the contrary that Eichmann was walking around all over campus with no problem and at 5:18am she made the voluntary and consensual choice to go to Harker's apartment to have sex with him. Moreover, despite claiming to be blackout intoxicated, Eichmann is somehow able to start coherently communicating with her boyfriend an hour and a half later and with Rahimi and her sister-in-law shortly after that.

27. Second, Eichmann tells police initially that she did not remember whether she consented to having sex or not. She also made no mention of assault to her boyfriend when she wakes up only that she woke up naked in a stranger's bed.

28. It's quite clear that Eichmann was mad at her boyfriend from the fight the day before, decided to have sex with another man to get back at her boyfriend, and then decided to tell everyone it was a sexual assault in order to portray herself as a victim rather than an unfaithful girlfriend.

29. Eichmann's lies and course of action have caused a multitude of damages to Harker for which he now sues to hold her accountable for her web of lies and deceit.

### **CAUSES OF ACTION**

30. The proceeding paragraphs are incorporated herein by reference.

#### **COUNT 1 MALICIOUS PROSECUTION**

31. Eichmann initiated the criminal prosecution against Harker, which was ultimately terminated in his favor.

32. Harker was innocent of the charges brought against him and Eichmann did not have probable cause to initiate the prosecution against Harker.

33. Eichmann acted with malice and caused Harker to suffer damages.

#### **COUNT 2 DEFAMATION & DEFAMATION *PER SE***

34. Eichmann, a non-media defendant, made statements of fact to a third person and/or third parties accusing Harker, a private individual, of having sexually assaulted her.

35. Eichmann's statements involved a matter of private concern and are patently false.

36. Eichmann's statements directly referred to Harker by name.

37. Eichmann's statements are patently false because Harker did not sexually assault Eichmann.

38. Eichmann's untrue statements accuse Harker of engaging in criminal conduct and sexual misconduct. Those statements by Eichmann constitute defamation *per se* and damages are presumed.

39. When making the statements, Eichmann acted with malice, and at a very minimum was negligent in making the statements. These types of statements are so damaging that they are considered damaging on their face and damages are presumed.

**COUNT 3**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

40. Eichmann's conduct as outlined above was and continues to be intentional.

41. Eichmann's conduct was and continues to be extreme and outrageous.

42. Eichmann's conduct proximately caused severe emotional distress to Harker which cannot be remedied by any other cause of action.

**DAMAGES**

43. Harker seeks the following damages:

- a. Actual damages;
- b. Past and future mental anguish;
- c. Exemplary damages; and
- d. Pre- and Post-Judgment interest.

**JURY DEMAND**

44. Harker demands a jury trial on his counterclaims.

## **PRAYER**

Harker prays that judgment be rendered against Eichmann for his actual damages, past and future mental anguish, exemplary damages, pre- and post-judgment interest, and for all other relief which the Court finds he is entitled to.

Dated: July 11, 2024.

Respectfully submitted,

**JIMMY ARDOIN & ASSOCIATES, PLLC**

4900 Fournace Place, Suite 414

Bellaire, Texas 77401

P: (713) 574-8900

F: (713) 574-1404

/s/ James Ardoin

JAMES ARDOIN

State Bar No. 24045420

Email: [jimmy@jimmyardoinlaw.com](mailto:jimmy@jimmyardoinlaw.com)

**THE HITTNER GROUP, PLLC**

P.O. Box 541189

Houston, Texas 77254

Phone: (713) 505-1003

/s/ George J. Hittner

GEORGE J. HITTNER

State Bar No. 24038959

Email: [george@thehittnergroupp.com](mailto:george@thehittnergroupp.com)

*Attorneys for Plaintiff*

## **CERTIFICATE OF SERVICE**

I hereby certify that this document was served via email on opposing counsel on July 11, 2024 which caused service upon counsel for all parties.

/s/ James Ardoin

JAMES ARDOIN